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Docket No.: N9810.0031/P031
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harry A. Dugger, III et al.

Application No.: 10/671,717

Confirmation No.: 2024

Filed: September 29, 2003

Art Unit: 1616

For: BUCCAL, POLAR AND NON-POLAR
SPRAY CONTAINING ONDANSETRON

Examiner: M. Haghighatian

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 6, 2006, Applicants hereby elect Group I, claims 1-10, 22-28, 40-48, 57-64, 79-80 and 89-96 for continued examination. With respect to the species election requirement, Applicants elect the following species: treating emesis.

The Examiner has required restriction between Group I, claims 1-10, 22-28, 40-48, 57-64, 79-80 and 89-96, drawn to a propellant free composition; and Group II, claims 11-21, 29-40, 49-56, 65-78, 81-88 and 97-104, drawing to a composition containing propellant. In addition, according to the Office Action, "claims 57-98 are generic to a plurality of disclosed patentably distinct species comprising method of treating various disorders by using ondansetron as the active agent."

Applicants expressly reserve the right to file a divisional application directed to the non-election claims.

Dated: March 3, 2006

Respectfully submitted,

By 

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